IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8494 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHSANA TALATI-YADI BHARTI- ANYAYA NIVARAN SAMITI

Versus

STATE OF GUJARAT

Appearance:

MR DC RAVAL for Petitioner

MR UMESH TRIVEDI AGP for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/12/2000

ORAL JUDGEMENT

#. Heard learned counsel for the petitioner.

#. This petition is filed by Mehsana Talati-Yadi Bharti-Anyaya Nivaran Samiti through its Representative. It is no more res integra that in the service matter only those persons who are not selected or have some grievance can approach to this court and not by way of this petition by some Association.

#. Leaving apart this , otherwise also advertisement for the posts was published in the year 1983 and the select list was prepared in the month of December, 1983. After about 6 years of preparation of select list this petition has been filed and it deserves to be dismissed only on the ground of delay and latches. Otherwise also on merits the petitioner has no case. The select list which has been prepared for filling up 125 posts cannot be allowed to continue and operating for all the years to come. It is a settled law that appointing authority cannot make appointments in excess of the posts for which the applications were invited. In this case 125 posts were advertised as against which as it is reflected from the rely filed by the respondents 425 appointments have already been made. The currency of the select list cannot be there for all the years to come and its currency automatically comes to an end when 125 candidates are appointed from the select list or in this case where it is made to come to an end. This is wholly a frivolous and misconceived petition and in case the relief of the nature as prayed for by the petitioner is granted then it will amount to direct the respondents to act contrary to provisions of Articles 14 and 16 of the Constitution. Sitting under Article 226 of the Constitution this court will not perpetuate any illegality nor it can compel or force or direct the respondents to act contrary to the provisions of the Constitution.

#. In the result, the petition fails and the same is dismissed. Rule is discharged. The petitioner is directed to pay costs of the petition to the State of Gujarat.

(S.K.Keshote, J.)
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